

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA

v.

NELSON ALVARADO HERNANDEZ

Criminal No. 25-mj- 12

Rec'd JPM-91 02/27/25 PM 12:03

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Christopher E. Lobdell, Agent with the Drug Enforcement Administration, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent with Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) and have been employed in this capacity since June 2005. Prior to the creation of the Department of Homeland Security in March 2003, I was a Customs and Border Protection Officer as well as a police officer for the Cuyahoga County Metropolitan Housing Authority headquartered in Cleveland, Ohio. I have over 19 years of experience as a Special Agent. As part of my duties as a HSI Special Agent, I investigate violations of immigration and customs laws and regulations, the Controlled Substances Act, and federal crimes contained within the United States Code. I am an "investigative or law enforcement officer of the United States" within the meaning defined in 18 U.S.C. § 2510(7), in that I am an agent of the United States authorized by law to conduct investigations of, and make arrests for, federal offenses.

2. The statements contained in this affidavit are based upon my personal knowledge, as well as information provided to me by other law enforcement officials. All observations not

personally made by me were relayed to me by the individuals who made them or were conveyed to me by my review of records, documents, and other physical evidence obtained during this investigation.

3. This affidavit contains information necessary to support probable cause for this complaint. This affidavit is not intended to include each, and every fact and matter observed by me or known to the United States Government. This affidavit is made solely for the limited purpose of setting forth probable cause to believe that Nelson Alvarado Hernandez ("Hernandez") was previously deported or removed from the United States, and was found to be in the United States, in violation of Title 8, United States Code, Section 1326.

4. On February 26, 2025, St. Thomas Customs and Border Protection Air and Marine Unit (CBP/AMO) was patrolling in the area between Red Hook Marina in St. Thomas and Cruz Bay, St. John. During this patrol, CBP/AMO spotted a vessel bearing registration number VI-6500-TC leaving the Red Hook Marina, in St. Thomas, traveling at a high rate of speed, headed towards Cruz Bay, St. John. CBP/AMO followed the vessel into Cruz Bay. Once the vessel was in Cruz Bay, CBP/AMO conducted a document check. The vessel was occupied by two individuals, Individual-1, who was the captain of the vessel, and Nelson Alvarado Hernandez, who was the passenger.

5. During the document check, Individual-1 resented a United States passport and a U.S. Virgin Islands vessel registration with the registered owner as Individual-2. Individual-1 stated that he operates boats in the Virgin Islands and normally travels between St. Thomas, St. John, and Tortola. Individual-1 further stated that he went to the dock in Red Hook Marina today to pick up Hernandez and take him to St. John.

6. When CBP/AMO agents questioned Hernandez why he was going to St. John, he responded that he was "going to breakfast." Hernandez was wearing a Dinghy's Restaurant shirt. CBP/AMO agents asked him if he worked there, and he stated "yes."

7. After checking the vessel operator, Hernandez was asked by CBP/AMO if they could check his identification, to which he agreed. Hernandez provided a Dominican Republic passport. Initial record checks did not show a recent entry into the United States and showed a previous deportation. At that time, HSI and ERO agents were contacted and advised to detain Hernandez. CBP/AMO agents took Hernandez into custody and transported him to the ERO facility on Crown Mountain. Individual-1 was released from the document check and departed Cruz Bay.

8. A Citizenship and Immigration Services record check (CIS) revealed that Nelson Alvarado Hernandez has been assigned alien registration 042 601 345 and was admitted to the United States as a lawful permanent resident on December 22, 1990.

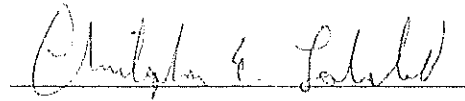
9. On August 29, 1999, Hernandez was convicted in the Hampden County Superior Court of Massachusetts for trafficking cocaine and sentenced to not less than 5 years and not more than 8 years confinement.

10. On November 12, 2002, Hernandez was issued an Order of Deportation.

11. On September 30, 2003, Hernandez was deported from the United States to the Dominican Republic via the JFK Airport Port of Entry, New York City, New York.

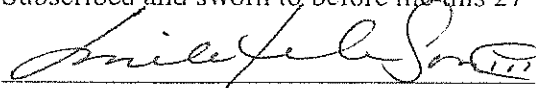
12. A review of Hernandez's A-file did not show any legal entries into the United States, nor did Hernandez show any proof that he was given advanced, written permission to reenter the United States by the United States Attorney General or the Secretary of the Department of Homeland Security.

13. Based on my training and experience, I respectfully submit to the Court that sufficient probable cause exists to believe that on or about February 26, 2025, within the District of the Virgin Islands, Nelson Alvarado Hernandez having previously been deported or removed from the United States, was found to be in the United States, in violation of Title 8, United States Code, Section 1326.



Christopher E. Lobdell
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me this 27th day of February 2025.



Honorable Emile A. Henderson III
United States Magistrate Judge